

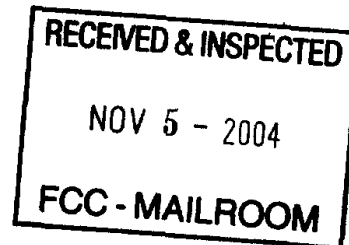
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**CC Docket No. 02-6
REQUEST FOR REVIEW**

Our original appeal to the SLD



LETTER OF APPEAL to Schools and Libraries Division (SLD):

This is a letter of appeal regarding Form 471 Application Number: 397978
Funding Year 2004: 07/01/2004 - 06/30/2005 (FCDL dated May 26th, 2004)
Billed Entity Number: 135498
Applicant's Form Identifier: CCPL471-04
Billed Entity Name: Calumet City Public Library (CCPL)

Basis of Appeal:

The FCDL dated May 26th, 2004 indicates that Form 471 (Application Number 397978) submitted by CCPL was "**Denied**" because Funding Request Numbers (FRNs) 1198075, 1198311, 1198377, 1198535, 1198894, 1198976, 1199048, 11999405 and 1199496 were **Not Funded**. The FCDL decision explanation was that "The FRN references services that require a posting of Form 470 for each Funding Year".

We now realize that although both Form 470* and 471** were submitted by CCPL, Form 471 did have an incorrect Form 470 application number filled in on Line 12. The incorrect Application number that CCPL filled in was 622730000447684. This application number refers to the previous funding year (2003-2004) Form 470.

The 'correct' Form 470 application number filed for the funding year 07/01/2004-06/30/2005 by CCPL is: 163770000496539. This is the number that should have appeared on line 12 of the Form 471 funding year 07/01/04-06/30/2005. We would like to now make that correction.

Our previous E-Rate staff contact person resigned his position at the end of February 2004. Difficulties arose as a result of this key staff departure. This departure left a gap in our ability to look over all E-Rate forms, letters and faxes and it later became necessary to come up to speed on these items, as this person's position was not filled until June 1st, 2004. We believe that this situation further confused the funding year 2004-2005 E-Rate submissions for CCPL.

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We are grateful for the opportunity to appeal this decision as we have found the E-Rate program to be one of our most vital tools to meet our community's needs and goals. This program has served us well for years and has brought important technology to our library. A financial loss of this magnitude could serve to set our program back and keep us from fulfilling some of our important scheduled events with the community. It should also be noted that this is the first year that a problem like this has surfaced since we have always been faithful to E-Rate rules, guidelines and deadlines in the past.

When we looked into the basis for the "Denial" we realized that the transcription error and the loss of our E-Rate contact person were responsible for this problem and delay in correcting the problem. We would now like to remedy this situation and turn the "Denial" into an "Approval" for Funding year 7/01/2004- 06/30/2005.

* The Form 470 - Receipt Notification Letter for funding year 2004-2005 is dated January 19, 2004.

** The Form 471 - Receipt Notification Letter for funding year 2004-2005 is dated February 12, 2004.

This is the portion of the letter that appeals the SLD appeal decision:

Our appeal to the FCC: We appeal the decision of the appeal that we sent to the SLD based on the Appeals Guidelines from The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). The Appeals Guidelines cite circumstances when appeals can be granted by USAC, assuming there are no other issues identified during review.

We cite the following Guideline:

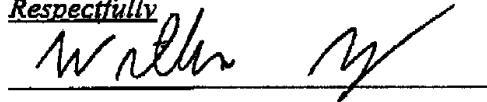
When the appeal provides documentation to correct an incorrect SLD assumption made because there was insufficient information in the application file about an issue. In general, PLA will contact the applicant (in this case Calumet City Public Library) and ask for all information necessary to make decisions about an application. If that contact does not occur, however, and funding is denied based on an incorrect assumption, the SLD will grant an appeal when the appellant points out the incorrect assumption and provides documentation about the issue that is consistent with information originally provided but also successfully resolves the ambiguity in the original file.

In our original appeal to the SLD we state we lost our 'E-rate' contact person. The SLD made a decision of 'Denial in Full'. The denial letter was dated October 13, 2004. In this decision letter from the SLD it states that 'during the PIA review our organization was contacted and asked to verify whether the Form 470 was indeed the establishing Form 470. Based on the response we received from Michael Smith on March 1, 2004, who confirmed the use of Form 470, 622730000447684, SLD was forced to deny these funding requests.'

This is confusing to us at Calumet City Public Library since Michael Smith submitted his resignation letter on February 2nd, 2004 with an effective date of resignation as February 27th, 2004. (Resignation Letter enclosed) *We do not know the person that SLD may have talked to. Certainly Mr. Smith was not functioning in the capacity of 'SLD E-Rate contact person at that time'. Since our contact person was not notified then we contend that 'no contact was made', and therefore we should be eligible for funding. Also we did correct the assumption which was the corrected form 470 application number. We respectfully enclose a copy of the Form 470-Receipt Notification Letter (Funding Year 2004: 07/01/2004 - 06/30/2005 which shows the correct Form 470 application Number.*

We are hopeful that this 2nd appeal to the FCC will resolve the issue and funding will be granted, since what really happened was a typographical error.

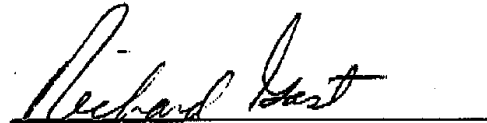
Respectfully



Date 11-5-04

William Pixley

Director (Calumet City Public Library)



Date 11-5-04

Richard Gast

E-Rate Contact Person (Calumet City Public Library Entity#135498)

MEMORANDUM

TO: Calumet City Public Library Board
William Pixley, Director

FROM: Michael A. Smith, Technology Coordinator

DATE: February 2, 2004

SUBJECT: Letter of Resignation

Due to personal reasons and other circumstances beyond my control, I find it necessary to resign from the position of Technology Coordinator effective February 27, 2004.

I have accomplished our goals as directed in the Library's Technology Plan in my four-year tenure and have fulfilled my obligations in design assistance and implementation of the new Training Center and Youth Services Technology Area.

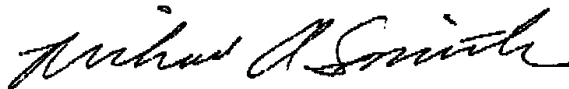
In addition, the existing Technology Area has been expanded and computer configurations have been restructured to provide the most flexibility to patrons while preserving ease of maintenance from a staff perspective. All obsolete terminals, computers, and peripherals have been replaced throughout all departments.

The Millennium Circulation application is fully operational and has demonstrated to be a significant enhancement from the character-based system. The Suburban Library System has done outstanding work together with Innovative Software to make this possible.

I commend the Administrative Staff, along with the outstanding efforts of the Library Board, in taking the initiative in the procurement and implementation of these latest trends in library automation and technology. As a result, the library is able to provide easy access to the widest range possible of information resources to the citizens of Calumet City.

Detailed attention has been given over the course of my stay in documenting computer and networking configurations, along with the organization of computer hardware and software media. This will be a significant help in the transition of my work to other personnel.

In closing, it has been an honor having served as your Technology Coordinator. As a 40-year Calumet City resident, it has given me a great deal of self-satisfaction having contributed to the community in this capacity.



Michael A. Smith

USAC**Universal Service Administrative Company**
Schools & Libraries Division*Funding Year 7***FORM 470-Receipt Notification Letter**
(Funding Year 2004: 07/01/2004--06/30/2005)

January 19, 2004

Michael A. Smith
CALUMET CITY PUBLIC LIBRARY
660 MANISTEE AVE
CALUMET CITY, IL 60409-3906Re: Applicant's Form Identifier: CCPL470-04
Form 470 Application Number: 163770000496539
Entity Number: 135498
Date Form 470 Posted: 01/13/2004
Allowable Vendor Selection/Contract Date: 02/10/2004*Block 5?*

Dear Michael A. Smith:

This letter is to notify you that the Schools and Libraries Division (SLD) has received your FCC Form 470, "Description of Services Requested and Certification Form," although we have NOT yet received your Block 5 signed certification page, either online or on paper. This letter provides important information about program rules. Please read this letter carefully and retain it for your records and future reference.

The Form 470 Application Number listed above has been assigned by the SLD and will be used to track your Form 470. This number must be provided on each FCC Form 471, "Services Ordered and Certification Form," Block 5 Funding Request that cites this Form 470. Any applicant who relies on this Form 470 will need to know this Form 470 Application Number. You may wish to share this number with those schools and/or libraries featured in this application to assist them in their preparation of the Form 471.

The purpose of the Form 470 is to open a competitive bidding process for the services desired. The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services. The Form 470 must be completed by the entity that will negotiate with potential service providers. A service provider who will participate in the competitive bidding process as a bidder cannot complete it. Please be aware that if a service provider was involved in the preparation or certification of your Form 470, this involvement could taint the competitive bidding process and result in the denial of your funding requests.

If you believe that a service provider was improperly involved in the submission of this Form 470, you should cancel this Form 470 and submit a new one if you wish. To cancel a Form 470, contact the Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736 or by phone at 1-888-203-8100 and follow the instructions they provide.

FCC rules require that requests for tariffed or month-to-month services and requests for new contractual services be posted on the SLD web site for a period of at least 28 days before selecting a vendor in order to provide for a competitive bidding process.

State or local laws may require a longer procurement cycle. This 28-day waiting period must occur before you may establish a legally binding agreement between yourself and your service provider. Except for services to be delivered under tariff or month-to-month arrangements, you must have a legally binding agreement with your service provider before you sign and submit your Form 471. This requirement can be met by executing a contract for services, or through another process as allowed by your state law that legally binds you to given services from the selected service provider. Listing a service provider on your Form 471 does NOT create a legally binding agreement. You must be able to demonstrate that you have a legally binding agreement in place at the time that you submitted your Form 471. In addition, if you are seeking support on your Form 470 for the first time for services delivered under a multi-year contract signed on or before July 10, 1997, the SLD cannot process your Form 471 until the 28-day waiting period has elapsed.

You must retain copies of bidding specifications and/or requests for proposals (RFPs), all bids received (both winning and losing) and all contracts with your service provider. You must also maintain documentation of the process and any related analyses leading to the selection of the winning bid(s). You must be able to demonstrate that the bid you chose is the most cost-effective, with price being the primary factor.

You must follow all state and local procurement laws that apply to you. You must also be able to demonstrate compliance with these laws.

Your Form 470 or REP MUST define the specific services or functions (and quantity and/or capacity) for which funding will be sought. You MUST obtain specific cost information, including prices for products and services to be provided. Failure to adhere to these rules violates the requirement to choose the most cost-effective provider. Remember also that you cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.

RFPs or other solicitation methods must be tailored specifically to your needs and circumstances, and based directly on your technology plan. Use of a generic RFP used successfully by another applicant, for example, does not comply with the Commission's competitive bidding requirements. RFPs and competitive bidding processes that are structured to favor one service provider undermine the competitive process.

The "Allowable Vendor Selection/Contract Date" featured above is the earliest date that contracts, or other legally binding agreements, can be executed for all services.

Under FCC rules to become effective with Funding Year 2004, your service provider must offer you the option of requesting discounts on bills, or of paying the bills in full and then receiving reimbursement. We recommend that you include your preferred method for receiving discounts when considering bids and discuss that with your service provider.

In the "Second Report and Order and Further Notice of Proposed Rulemaking" (FCC 03-101), the FCC announced suspension and debarment regulations pertaining to the schools and libraries support mechanism. The Report and Order explains, among other things, the circumstances under which applicants, service providers and other program participants can be suspended and/or debarred from receiving support. This Report and Order is available on the SLD web site. As the FCC provides additional information regarding suspension and debarment, we will provide updated information on the SLD web site. As these determinations are made, a list of suspended and debarred individuals and/or organizations will be posted to the SLD web site.

Complete information about the filing window for the Funding Year 2004 Form 471, including the filing deadline, will be posted to the SLD web site when it becomes available.

It is important to remember that not all requested services will necessarily be approved for discounts. Your Form 471 will be subject to review by the SLD for a determination of funding eligibility before funds are committed. This review will consider all program rules, including eligibility of discount recipients and the eligibility of services for which discounts are requested. In addition, availability of funds will be a factor in funding decisions. Therefore, you should consider the possibility of a denial of funding or a level of funding below your request, and include appropriate contingencies in contracts for any or all of the requested services.

Thank you for your interest in the Schools and Libraries program. If you have any questions, please contact the SLD Client Service Bureau.

Schools and Libraries Division
Universal Service Administrative Company